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(Original Signature of Member)

112TH CONGRESS  
1ST SESSION

**H. R.**

To amend the Federal Power Act to protect the bulk-power system and electric infrastructure critical to the defense and well-being of the United States against natural and manmade electromagnetic pulse (“EMP”) threats and vulnerabilities.

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IN THE HOUSE OF REPRESENTATIVES

Mr. FRANKS of Arizona introduced the following bill; which was referred to the Committee on \_\_\_\_\_

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**A BILL**

To amend the Federal Power Act to protect the bulk-power system and electric infrastructure critical to the defense and well-being of the United States against natural and manmade electromagnetic pulse (“EMP”) threats and vulnerabilities.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Secure High-voltage  
5 Infrastructure for Electricity from Lethal Damage Act”  
6 or the “SHIELD Act”.

1 **SEC. 2. FINDINGS.**

2 The Congress makes the following findings:

3 (1) According to the Report of the Commission  
4 to Assess the Threat to the United States from  
5 Electromagnetic Pulse Attack (in this Act referred  
6 to as the “EMP Commission Report”), the society  
7 and economy of the United States are “critically de-  
8 pendent upon the availability of electricity.”.

9 (2) According to the EMP Commission Report,  
10 “continued electrical supply is necessary for sus-  
11 taining water supplies, production and distribution  
12 of food, fuel, communications, and everything else  
13 that is part of our economy”.

14 (3) According to the EMP Commission Report,  
15 “contemporary U.S. society is not structured, nor  
16 does it have the means, to provide for the needs of  
17 nearly 300 million Americans without electricity.”.

18 (4) According to the EMP Commission Report,  
19 due to the existing electrical system operating at or  
20 near its physical capacity, “a relatively modest upset  
21 to the system can cause functional collapse.”.

22 (5) According to the EMP Commission Report,  
23 electromagnetic pulse (in this Act referred to as  
24 “EMP”) is a threat to the overall electrical power  
25 system.

1           (6) According to the EMP Commission Report,  
2           EMP occurs both naturally, such as geomagnetic  
3           storms, and via manmade devices.

4           (7) According to the EMP Commission Report,  
5           while the electric infrastructure “has a degree of du-  
6           rability against...the failure of one or a small num-  
7           ber of [electric] components,” the current strategy  
8           for recovery leaves the United States ill-prepared to  
9           respond effectively to an EMP attack that would po-  
10          tentially result in damage to vast numbers of compo-  
11          nents nearly simultaneously over an unprecedented  
12          geographic scale.

13          (8) According to the EMP Commission Report,  
14          EMP “may couple ultimately unmanageable currents  
15          and voltages into an electrical system routinely oper-  
16          ated with little margin and cause the collapse of  
17          large portions of the electrical system.”.

18          (9) According to the EMP Commission Report,  
19          a collapse of large portions of the electrical system  
20          will result in significant periods of power-outage and  
21          “restoration from collapse or loss of significant por-  
22          tions of the system [will be] exceedingly difficult.”.

23          (10) According to the EMP Commission Re-  
24          port, “should the electrical power system be lost for

1 any substantial period of time...the consequences are  
2 likely to be catastrophic to civilian society.”.

3 (11) According to the EMP Commission Re-  
4 port, “the Commission is deeply concerned that  
5 [negative] impacts [on the electric infrastructure]  
6 are certain in an EMP event unless practical steps  
7 are taken to provide protection for critical elements  
8 of the electric system.”.

9 **SEC. 3. AMENDMENT TO THE FEDERAL POWER ACT.**

10 (a) CRITICAL ELECTRIC INFRASTRUCTURE SECUR-  
11 ITY.—Part II of the Federal Power Act (16 U.S.C. 824  
12 et seq.) is amended by adding after section 215 the fol-  
13 lowing new section:

14 **“SEC. 215A. CRITICAL ELECTRIC INFRASTRUCTURE SECUR-**  
15 **RITY.**

16 “(a) DEFINITIONS.—For purposes of this section:

17 “(1) BULK-POWER SYSTEM; ELECTRIC RELI-  
18 ABILITY ORGANIZATION; REGIONAL ENTITY.—The  
19 terms ‘bulk-power system’, ‘Electric Reliability Or-  
20 ganization’, and ‘regional entity’ have the meanings  
21 given such terms in paragraphs (1), (2), and (7) of  
22 section 215(a), respectively.

23 “(2) DEFENSE CRITICAL ELECTRIC INFRA-  
24 STRUCTURE.—The term ‘defense critical electric in-  
25 frastructure’ means any infrastructure located in the

1 United States (including the territories) used for the  
2 generation, transmission, or distribution of electric  
3 energy that—

4 “(A) is not part of the bulk-power system;

5 and

6 “(B) serves a facility designated by the  
7 President pursuant to subsection (d)(1), but is  
8 not owned or operated by the owner or operator  
9 of such facility.

10 “(3) DEFENSE CRITICAL ELECTRIC INFRA-  
11 STRUCTURE VULNERABILITY.—The term ‘defense  
12 critical electric infrastructure vulnerability’ means a  
13 weakness in defense critical electric infrastructure  
14 that, in the event of a malicious act using an electro-  
15 magnetic pulse, would pose a substantial risk of dis-  
16 ruption of those electrical or electronic devices or  
17 communications networks, including hardware, soft-  
18 ware, and data, that are essential to the reliability  
19 of defense critical electric infrastructure.

20 “(4) ELECTROMAGNETIC PULSE.—The term  
21 ‘electromagnetic pulse’ means 1 or more pulses of  
22 electromagnetic energy generated or emitted by a de-  
23 vice capable of disabling, disrupting, or destroying  
24 electronic equipment by means of such a pulse.

1           “(5) GEOMAGNETIC STORM.—The term ‘geo-  
2           magnetic storm’ means a temporary disturbance of  
3           the Earth’s magnetic field resulting from solar activ-  
4           ity.

5           “(6) GRID SECURITY THREAT.—The term ‘grid  
6           security threat’ means a substantial likelihood of—

7                   “(A) a malicious act using an electro-  
8                   magnetic pulse, or a geomagnetic storm event,  
9                   that could disrupt the operation of those elec-  
10                  trical or electronic devices or communications  
11                  networks, including hardware, software, and  
12                  data, that are essential to the reliability of the  
13                  bulk-power system or of defense critical electric  
14                  infrastructure; and

15                   “(B) disruption of the operation of such  
16                   devices or networks, with significant adverse ef-  
17                   fects on the reliability of the bulk-power system  
18                   or of defense critical electric infrastructure, as  
19                   a result of such act or event.

20           “(7) GRID SECURITY VULNERABILITY.—The  
21           term ‘grid security vulnerability’ means a weakness  
22           that, in the event of a malicious act using an electro-  
23           magnetic pulse, would pose a substantial risk of dis-  
24           ruption to the operation of those electrical or elec-  
25           tronic devices or communications networks, includ-

1 ing hardware, software, and data, that are essential  
2 to the reliability of the bulk-power system.

3 “(8) LARGE TRANSFORMER.—The term ‘large  
4 transformer’ means an electric transformer that is  
5 part of the bulk-power system.

6 “(9) PROTECTED INFORMATION.—The term  
7 ‘protected information’ means information, other  
8 than classified national security information, des-  
9 ignated as protected information by the Commission  
10 under subsection (e)(2)—

11 “(A) that was developed or submitted in  
12 connection with the implementation of this sec-  
13 tion;

14 “(B) that specifically discusses grid secu-  
15 rity threats, grid security vulnerabilities, de-  
16 fense critical electric infrastructure  
17 vulnerabilities, or plans, procedures, or meas-  
18 ures to address such threats or vulnerabilities;  
19 and

20 “(C) the unauthorized disclosure of which  
21 could be used in a malicious manner to impair  
22 the reliability of the bulk-power system or of  
23 defense critical electric infrastructure.

24 “(10) SECRETARY.—The term ‘Secretary’  
25 means the Secretary of Energy.

1           “(11) SECURITY.—The definition of ‘security’  
2           in section 3(16) shall not apply to the provisions in  
3           this section.

4           “(b) EMERGENCY RESPONSE MEASURES.—

5           “(1) AUTHORITY TO ADDRESS GRID SECURITY  
6           THREATS.—Whenever the President issues and pro-  
7           vides to the Commission (either directly or through  
8           the Secretary) a written directive or determination  
9           identifying an imminent grid security threat, the  
10          Commission may, with or without notice, hearing, or  
11          report, issue such orders for emergency measures as  
12          are necessary in its judgment to protect the reli-  
13          ability of the bulk-power system or of defense critical  
14          electric infrastructure against such threat. As soon  
15          as practicable, but not later than 180 days after the  
16          date of enactment of this section, the Commission  
17          shall, after notice and opportunity for comment, es-  
18          tablish rules of procedure that ensure that such au-  
19          thority can be exercised expeditiously.

20          “(2) NOTIFICATION OF CONGRESS.—Whenever  
21          the President issues and provides to the Commission  
22          (either directly or through the Secretary) a written  
23          directive or determination under paragraph (1), the  
24          President (or the Secretary, as the case may be)  
25          shall promptly notify congressional committees of



1 relevant jurisdiction, including the Committee on  
2 Energy and Commerce of the House of Representa-  
3 tives and the Committee on Energy and Natural Re-  
4 sources of the Senate, of the contents of, and jus-  
5 tification for, such directive or determination.

6 “(3) CONSULTATION.—Before issuing an order  
7 for emergency measures under paragraph (1), the  
8 Commission shall, to the extent practicable in light  
9 of the nature of the grid security threat and the ur-  
10 gency of the need for such emergency measures, con-  
11 sult with appropriate governmental authorities in  
12 Canada and Mexico, entities described in paragraph  
13 (4), the Secretary, and other appropriate Federal  
14 agencies regarding implementation of such emer-  
15 gency measures.

16 “(4) APPLICATION.—An order for emergency  
17 measures under this subsection may apply to—

18 “(A) the Electric Reliability Organization;

19 “(B) a regional entity; or

20 “(C) any owner, user, or operator of the  
21 bulk-power system or of defense critical electric  
22 infrastructure within the United States.

23 “(5) DISCONTINUANCE.—The Commission shall  
24 issue an order discontinuing any emergency meas-

1 ures ordered under this subsection, effective not  
2 later than 30 days after the earliest of the following:

3 “(A) The date upon which the President  
4 issues and provides to the Commission (either  
5 directly or through the Secretary) a written di-  
6 rective or determination that the grid security  
7 threat identified under paragraph (1) no longer  
8 exists.

9 “(B) The date upon which the Commission  
10 issues a written determination that the emer-  
11 gency measures are no longer needed to address  
12 the grid security threat identified under para-  
13 graph (1), including by means of Commission  
14 approval of a reliability standard under section  
15 215 that the Commission determines adequately  
16 addresses such threat.

17 “(C) The date that is 1 year after the  
18 issuance of an order under paragraph (1).

19 “(6) COST RECOVERY.—If the Commission de-  
20 termines that owners, operators, or users of the  
21 bulk-power system or of defense critical electric in-  
22 frastructure have incurred substantial costs to com-  
23 ply with an order under this subsection or subsection  
24 (c) and that such costs were prudently incurred and  
25 cannot reasonably be recovered through regulated

1 rates or market prices for the electric energy or  
2 services sold by such owners, operators, or users, the  
3 Commission shall, after notice and an opportunity  
4 for comment, establish a mechanism that permits  
5 such owners, operators, or users to recover such  
6 costs.

7 “(c) MEASURES TO ADDRESS GRID SECURITY  
8 VULNERABILITIES.—

9 “(1) COMMISSION AUTHORITY.—If the Commis-  
10 sion, in consultation with appropriate Federal agen-  
11 cies, identifies a grid security vulnerability that the  
12 Commission determines has not adequately been ad-  
13 dressed through a reliability standard developed and  
14 approved under section 215, the Commission shall,  
15 after notice and opportunity for comment and after  
16 consultation with the Secretary, other appropriate  
17 Federal agencies, and appropriate governmental au-  
18 thorities in Canada and Mexico, promulgate a rule  
19 or issue an order requiring implementation, by any  
20 owner, operator, or user of the bulk-power system in  
21 the United States, of measures to protect the bulk-  
22 power system against such vulnerability. Any such  
23 rule or order shall include an automated protection  
24 plan, including hardware-based solutions. Before  
25 promulgating a rule or issuing an order under this

1 paragraph, the Commission shall, to the extent prac-  
2 ticable in light of the urgency of the need for action  
3 to address the grid security vulnerability, request  
4 and consider recommendations from the Electric Re-  
5 liability Organization regarding such rule or order.  
6 The Commission may establish an appropriate dead-  
7 line for the submission of such recommendations.

8 “(2) RESCISSION.—The Commission shall ap-  
9 prove a reliability standard developed under section  
10 215 that addresses a grid security vulnerability that  
11 is the subject of a rule or order under paragraph  
12 (1), unless the Commission determines that such re-  
13 liability standard does not adequately protect against  
14 such vulnerability or otherwise does not satisfy the  
15 requirements of section 215. Upon such approval,  
16 the Commission shall rescind the rule promulgated  
17 or order issued under paragraph (1) addressing such  
18 vulnerability, effective upon the effective date of the  
19 newly approved reliability standard.

20 “(3) GEOMAGNETIC STORMS AND ELECTRO-  
21 MAGNETIC PULSE.—Not later than 6 months after  
22 the date of enactment of this section, the Commis-  
23 sion shall, after notice and an opportunity for com-  
24 ment and after consultation with the Secretary and  
25 other appropriate Federal agencies, issue an order

1 directing the Electric Reliability Organization to  
2 submit to the Commission for approval under section  
3 215, not later than 6 months after the issuance of  
4 such order, reliability standards adequate to protect  
5 the bulk-power system from any reasonably foresee-  
6 able geomagnetic storm or electromagnetic pulse  
7 event. The Commission's order shall specify the na-  
8 ture and magnitude of the reasonably foreseeable  
9 events against which such standards must protect.  
10 Such standards shall appropriately balance the risks  
11 to the bulk-power system associated with such  
12 events, including any regional variation in such  
13 risks, and the costs of mitigating such risks. If the  
14 Commission determines that the reliability standards  
15 submitted by the Electric Reliability Organization  
16 pursuant to this paragraph are inadequate, the  
17 Commission shall promulgate a rule or issue an  
18 order adequate to protect the bulk-power system  
19 from geomagnetic storms or electromagnetic pulse as  
20 required under paragraph (1).

21 “(4) LARGE TRANSFORMER AVAILABILITY.—  
22 Not later than 1 year after the date of enactment  
23 of this section, the Commission shall, after notice  
24 and an opportunity for comment and after consulta-  
25 tion with the Secretary and other appropriate Fed-

1       eral agencies, issue an order directing the Electric  
2       Reliability Organization to submit to the Commis-  
3       sion for approval under section 215, not later than  
4       1 year after the issuance of such order, reliability  
5       standards addressing availability of large trans-  
6       formers. Such standards shall require entities that  
7       own or operate large transformers to ensure, individ-  
8       ually or jointly, adequate availability of large trans-  
9       formers to promptly restore the reliable operation of  
10      the bulk-power system in the event that any such  
11      transformer is destroyed or disabled as a result of  
12      a geomagnetic storm event or electromagnetic pulse  
13      event. The Commission’s order shall specify the na-  
14      ture and magnitude of the reasonably foreseeable  
15      events that shall provide the basis for such stand-  
16      ards. Such standards shall—

17               “(A) provide entities subject to the stand-  
18               ards with the option of meeting such standards  
19               individually or jointly; and

20               “(B) appropriately balance the risks asso-  
21               ciated with a reasonably foreseeable event, in-  
22               cluding any regional variation in such risks, and  
23               the costs of ensuring adequate availability of  
24               spare transformers.

25      “(d) CRITICAL DEFENSE FACILITIES.—

1           “(1) DESIGNATION.—Not later than 180 days  
2 after the date of enactment of this section, the  
3 President shall designate, in a written directive or  
4 determination provided to the Commission, facilities  
5 located in the United States (including the terri-  
6 tories) that are—

7                   “(A) critical to the defense of the United  
8 States; and

9                   “(B) vulnerable to a disruption of the sup-  
10 ply of electric energy provided to such facility  
11 by an external provider.

12 The number of facilities designated by such directive  
13 or determination shall not exceed 100. The Presi-  
14 dent may periodically revise the list of designated fa-  
15 cilities through a subsequent written directive or de-  
16 termination provided to the Commission, provided  
17 that the total number of designated facilities at any  
18 time shall not exceed 100.

19           “(2) COMMISSION AUTHORITY.—If the Commis-  
20 sion identifies a defense critical electric infrastruc-  
21 ture vulnerability that the Commission, in consulta-  
22 tion with owners and operators of any facility or fa-  
23 cilities designated by the President pursuant to  
24 paragraph (1), determines has not adequately been  
25 addressed through measures undertaken by owners

1 or operators of defense critical electric infrastruc-  
2 ture, the Commission shall, after notice and an op-  
3 portunity for comment and after consultation with  
4 the Secretary and other appropriate Federal agen-  
5 cies, promulgate a rule or issue an order requiring  
6 implementation, by any owner or operator of defense  
7 critical electric infrastructure, of measures to protect  
8 the defense critical electric infrastructure against  
9 such vulnerability. The Commission shall exempt  
10 from any such rule or order any specific defense  
11 critical electric infrastructure that the Commission  
12 determines already has been adequately protected  
13 against the identified vulnerability. The Commission  
14 shall make any such determination in consultation  
15 with the owner or operator of the facility designated  
16 by the President pursuant to paragraph (1) that re-  
17 lies upon such defense critical electric infrastructure.

18 “(3) COST RECOVERY.—An owner or operator  
19 of defense critical electric infrastructure shall be re-  
20 quired to take measures under paragraph (2) only to  
21 the extent that the owners or operators of a facility  
22 or facilities designated by the President pursuant to  
23 paragraph (1) that rely upon such infrastructure  
24 agree to bear the full incremental costs of compli-



1           ance with a rule promulgated or order issued under  
2           paragraph (2).

3           “(e) PROTECTION OF INFORMATION.—

4                   “(1) PROHIBITION OF PUBLIC DISCLOSURE OF  
5           PROTECTED INFORMATION.—Protected information  
6           shall—

7                           “(A) be exempt from disclosure under sec-  
8                           tion 552(b)(3) of title 5, United States Code;  
9                           and

10                           “(B) not be made available pursuant to  
11                           any State, local, or tribal law requiring disclo-  
12                           sure of information or records.

13           “(2) INFORMATION SHARING.—

14                           “(A) IN GENERAL.—Consistent with the  
15                           Controlled Unclassified Information framework  
16                           established by the President, the Commission  
17                           shall promulgate such regulations and issue  
18                           such orders as necessary to designate protected  
19                           information and to prohibit the unauthorized  
20                           disclosure of such protected information.

21                           “(B) SHARING OF PROTECTED INFORMA-  
22                           TION.—The regulations promulgated and orders  
23                           issued pursuant to subparagraph (A) shall pro-  
24                           vide standards for and facilitate the appropriate  
25                           sharing of protected information with, between,

1           and by Federal, State, local, and tribal authori-  
2           ties, the Electric Reliability Organization, re-  
3           gional entities, and owners, operators, and  
4           users of the bulk-power system in the United  
5           States and of defense critical electric infrastruc-  
6           ture. In promulgating such regulations and  
7           issuing such orders, the Commission shall take  
8           account of the role of State commissions in re-  
9           viewing the prudence and cost of investments  
10          within their respective jurisdictions. The Com-  
11          mission shall consult with appropriate Canadian  
12          and Mexican authorities to develop protocols for  
13          the sharing of protected information with, be-  
14          tween, and by appropriate Canadian and Mexi-  
15          can authorities and owners, operators, and  
16          users of the bulk-power system outside the  
17          United States.

18           “(3) SUBMISSION OF INFORMATION TO CON-  
19          GRESS.—Nothing in this section shall permit or au-  
20          thorize the withholding of information from Con-  
21          gress, any committee or subcommittee thereof, or  
22          the Comptroller General.

23           “(4) DISCLOSURE OF NONPROTECTED INFOR-  
24          MATION.—In implementing this section, the Com-  
25          mission shall protect from disclosure only the min-

1       imum amount of information necessary to protect  
2       the reliability of the bulk-power system and of de-  
3       fense critical electric infrastructure. The Commission  
4       shall segregate protected information within docu-  
5       ments and electronic communications, wherever fea-  
6       sible, to facilitate disclosure of information that is  
7       not designated as protected information.

8               “(5) DURATION OF DESIGNATION.—Informa-  
9       tion may not be designated as protected information  
10      for longer than 5 years, unless specifically redesign-  
11      nated by the Commission.

12              “(6) REMOVAL OF DESIGNATION.—The Com-  
13      mission may remove the designation of protected in-  
14      formation, in whole or in part, from a document or  
15      electronic communication if the unauthorized disclo-  
16      sure of such information could no longer be used to  
17      impair the reliability of the bulk-power system or of  
18      defense critical electric infrastructure.

19              “(7) JUDICIAL REVIEW OF DESIGNATIONS.—  
20      Notwithstanding subsection (f) of this section or sec-  
21      tion 313, a person or entity may seek judicial review  
22      of a determination by the Commission concerning  
23      the designation of protected information under this  
24      subsection exclusively in the district court of the  
25      United States in the district in which the complain-

1 ant resides, or has his principal place of business, or  
2 in the District of Columbia. In such a case the court  
3 shall determine the matter de novo, and may exam-  
4 ine the contents of documents or electronic commu-  
5 nications designated as protected information in  
6 camera to determine whether such documents or any  
7 part thereof were improperly designated as protected  
8 information. The burden is on the Commission to  
9 sustain its designation.

10 “(f) JUDICIAL REVIEW.—The Commission shall act  
11 expeditiously to resolve all applications for rehearing of  
12 orders issued pursuant to this section that are filed under  
13 section 313(a). Any party seeking judicial review pursuant  
14 to section 313 of an order issued under this section may  
15 obtain such review only in the United States Court of Ap-  
16 peals for the District of Columbia Circuit.

17 “(g) PROVISION OF ASSISTANCE TO INDUSTRY IN  
18 MEETING GRID SECURITY PROTECTION NEEDS.—

19 “(1) EXPERTISE AND RESOURCES.—The Sec-  
20 retary shall establish a program, in consultation with  
21 other appropriate Federal agencies, to develop tech-  
22 nical expertise in the protection of systems for the  
23 generation, transmission, and distribution of electric  
24 energy against geomagnetic storms or malicious acts  
25 using electromagnetic pulse that would pose a sub-

1       stantial risk of disruption to the operation of those  
2       electronic devices or communications networks, in-  
3       cluding hardware, software, and data, that are es-  
4       sential to the reliability of such systems. Such pro-  
5       gram shall include the identification and develop-  
6       ment of appropriate technical and electronic re-  
7       sources, including hardware, software, and system  
8       equipment.

9               “(2) SHARING EXPERTISE.—As appropriate,  
10       the Secretary shall offer to share technical expertise  
11       developed under the program under paragraph (1),  
12       through consultation and assistance, with owners,  
13       operators, or users of systems for the generation,  
14       transmission, or distribution of electric energy lo-  
15       cated in the United States and with State commis-  
16       sions. In offering such support, the Secretary shall  
17       assign higher priority to systems serving facilities  
18       designated by the President pursuant to subsection  
19       (d)(1) and other critical-infrastructure facilities,  
20       which the Secretary shall identify in consultation  
21       with the Commission and other appropriate Federal  
22       agencies.

23               “(3) SECURITY CLEARANCES AND COMMUNICA-  
24       TION.—The Secretary shall facilitate and, to the ex-  
25       tent practicable, expedite the acquisition of adequate

1 security clearances by key personnel of any entity  
2 subject to the requirements of this section to enable  
3 optimum communication with Federal agencies re-  
4 garding grid security threats, grid security  
5 vulnerabilities, and defense critical electric infra-  
6 structure vulnerabilities. The Secretary, the Com-  
7 mission, and other appropriate Federal agencies  
8 shall, to the extent practicable and consistent with  
9 their obligations to protect classified and protected  
10 information, share timely actionable information re-  
11 garding grid security threats, grid security  
12 vulnerabilities, and defense critical electric infra-  
13 structure vulnerabilities with appropriate key per-  
14 sonnel of owners, operators, and users of the bulk-  
15 power system and of defense critical electric infra-  
16 structure.

17 “(h) CERTAIN FEDERAL ENTITIES.—For the 11-year  
18 period commencing on the date of enactment of this sec-  
19 tion, the Tennessee Valley Authority and the Bonneville  
20 Power Administration shall be exempt from any require-  
21 ment under subsection (b) or (c).”

22 (b) CONFORMING AMENDMENTS.—

23 (1) JURISDICTION.—Section 201(b)(2) of the  
24 Federal Power Act (16 U.S.C. 824(b)(2)) is amend-

1 ed by inserting “215A,” after “215,” each place it  
2 appears.

3 (2) PUBLIC UTILITY.—Section 201(e) of the  
4 Federal Power Act (16 U.S.C. 824(e)) is amended  
5 by inserting “215A,” after “215,”.

6 **SEC. 4. BUDGETARY COMPLIANCE.**

7 The budgetary effects of this Act, for the purpose of  
8 complying with the Statutory Pay-As-You-Go Act of 2010,  
9 shall be determined by reference to the latest statement  
10 titled “Budgetary Effects of PAYGO Legislation” for this  
11 Act, submitted for printing in the Congressional Record  
12 by the Chairman of the House Budget Committee, pro-  
13 vided that such statement has been submitted prior to the  
14 vote on passage.